

RESOLUTION NO. 20-82

A RESOLUTION OF THE HUMBOLDT COUNTY BOARD OF SUPERVISORS AUTHORIZING THE EXECUTION AND DELIVERY OF A FACILITY SUBLEASE FOR AND RATIFYING ALL PREVIOUS ACTIONS WITH RESPECT TO THE HUMBOLDT JUVENILE PROJECT AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION THEREWITH

WHEREAS, the County of Humboldt (the “County”), the State Public Works Board of the State of California (the “Board”), and the Department of Corrections and Rehabilitation of the State of California (the “Department”) and the Board of State and Community Corrections of the State of California have previously entered into that certain Project Delivery and Construction Agreement dated as of June 13, 2016 (the “Project Agreement”) with respect to the construction of a local youthful offender rehabilitative facility, commonly known as the Humboldt County Project described in Exhibit A hereto (the “Project”); and

WHEREAS, the County has leased to the Department certain real property (the “Site”) described in Exhibit B to that certain Ground Lease dated as of June 13, 2016 by and between the County, as landlord, and the Department, as tenant, and consented to by the Board, and recorded on June 30, 2016 in the Official Records of the County as Document No. 2016-012012 (the “Ground Lease”) on which the Project is being constructed; and

WHEREAS, the Department and the County also entered into that certain Easement Agreement for Grants of Access, Utilities and Repairs dated as of June 13, 2016 and recorded on June 30, 2016 in the Official Records of the County as Document No. 2016-012011 (the “Easement Agreement”) pursuant to which the County granted to the Department and the Board certain appurtenant easements in certain property adjacent to the Site; and

WHEREAS, the Board intends to provide long-term financing for the Project through the issuance and sale of lease revenue bonds of the Board (the “Bonds”) as authorized by the State Building Construction Act of 1955 (being Part 10b of Division 3 of Title 2 of the California Government Code commencing at Section 15800) (the “Act”), which Bonds will be secured, in part, by the Base Rental payments to be made under a Facility Lease to be entered into by and between the Department and the Board (the “Facility Lease”); and

WHEREAS, in connection with the issuance of the Bonds, the Department intends to lease the Site to the Board pursuant to the terms of a Site Lease between the Board and the Department (the “Site Lease”) and the Board intends to lease the Site and the Project (together, the “Facility”) to the Department pursuant to the terms of the Facility Lease; and

WHEREAS, upon the issuance of the Bonds, the County and the Department intend to enter into a Facility Sublease (the “Facility Sublease”), the form of which has been presented to the Board of Supervisors for approval at the meeting at which this resolution is being adopted;

NOW, THEREFORE, THE HUMBOLDT COUNTY BOARD OF SUPERVISORS HEREBY RESOLVES AS FOLLOWS:

1. Each of the foregoing recitals is true and correct.
2. The form of the Facility Sublease presented at this meeting is hereby approved. Each of the Chair of the Board of Supervisors, the Chief Probation Officer, or their designees (collectively, the “Authorized Officers”), acting alone, is hereby authorized for and in the name of the County to execute, and the

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Clerk of the Board of Supervisors is authorized to attest, the Facility Sublease, in substantially the form hereby approved, with such additions thereto and changes therein as are required by the Department or the Board as conditions to the issuance of the Bonds. Approval of such changes shall be conclusively evidenced by the execution and delivery thereof by any one of the Authorized Officers each of whom, acting alone, is authorized to approve such changes. Each of the Authorized Officers is further authorized to execute, acknowledge and deliver any and all documents required to consummate the transactions contemplated by the Facility Sublease. The County hereby consents to the terms of the Site Lease and the Facility Lease and acknowledges that the County's right to occupy the Facility pursuant to the Facility Sublease may be terminated in accordance with Section 10 of the Facility Sublease, including (i) in the event of a default under the Facility Lease, as a result of the Board exercising its rights to re-enter and re-let the Facility in accordance with the Facility Lease, and (ii) in the event of a default under the Facility Sublease as a result of the Department exercising its rights to re-enter and re-let the Facility in accordance with the Facility Sublease.

3. All actions heretofore taken by any officer of the County with respect to the execution and delivery of the Project Agreement, the Ground Lease and the Easement Agreement are hereby ratified, approved and confirmed and the County affirms that the Project Agreement, the Ground Lease and the Easement Agreement remain in full force and effect and enforceable against the County in accordance with their terms. The County reaffirms that each of the representations made by the County in the Certificate of the County of Humboldt Regarding its Cash (Hard) Match for the Humboldt County Juvenile Hall Project and in the Certificate of the County of Humboldt Regarding its Other Participating County Funding for the Humboldt County Juvenile Hall Project attached as Exhibit E to the Project Agreement is true and accurate as of the date hereof and remain valid and binding on the County.
4. Each of the Authorized Officers and the other officers of the County, acting alone, is hereby authorized to do any and all things and to execute and deliver any and all documents, certificates (including tax certificates) and agreements which they may deem necessary and advisable in order to consummate the execution and delivery of the Facility Sublease and the issuance of the Bonds and otherwise effectuate the purposes of this Resolution. In the event that the Clerk of the Board of Supervisors is unavailable or unable to execute and deliver any of the above-referenced documents, any deputy clerk may validly execute and deliver such document.
5. This Resolution shall take effect from and after its date of adoption.

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Dated: September 15, 2020



Estelle Fennell, Chair
Humboldt County Board of Supervisors

Adopted on motion by Supervisor Wilson, seconded by Supervisor Bass, and the following vote:

AYES: Supervisors Bohn, Bass, Wilson, Fennell, Madrone
NAYS: Supervisors --
ABSENT: Supervisors --
ABSTAIN: Supervisors --

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.



Ryan Sharp
Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California

EXHIBIT A
DESCRIPTION OF PROJECT

Humboldt Juvenile Project: The Humboldt Juvenile Project includes the design and construction of a new, approximately 19,000 square feet (sf) medium/maximum security juvenile facility which includes housing space of approximately 8,200 square feet of single and double-occupancy dormitory-style rooms with common dayroom areas. The project is located on approximately 0.6 acres of a greater 3 acres of county-owned land. The project also includes the demolition and removal of the old juvenile hall building; construction of a new breezeway to connect the new juvenile facility with the existing regional center, and construction of new recreation yards. This project will also include a new access road, a new parking area, a loading dock and electrical service upgrades to the existing regional probation office.

This facility will provide housing, program, healthcare, custody, administrative, support space, recreation yard, and a secure vehicle yard. It will also provide 10,800 square feet for administrative and support services including a new facility control room, education rooms, health services, food services, laundry, visitation and public lobby spaces, facility maintenance, staff and storage areas.